

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DSM IP ASSETS, B.V. & DSM BIO-BASED  
PRODUCTS & SERVICES, B.V.,

Plaintiffs and Counter-Defendants

ORDER

v.

16-cv-497-wmc

LALLEMAND SPECIALTIES, INC. &  
MASCOMA LLC,

Defendants and Counterclaimants.

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On the parties' deposition designations, counter-designations and objections as to  
Aaron Argyros, the court rules as follows:

DSM's Designations	Lallemand's Objections	Court Ruling	Lallemand's Counter- Designations	DSM's Objections to Lallemand's Counter- Designations	DSM's Counter Designations	Court Ruling
14:15-15:4		Strike 14:21-22; 15:1.				
16:16-17:10		Strike 16:16-17.				
38:11-39:9	<b><i>Incomplete</i></b> (FRE 106); <b><i>Prejudicial/Confusing/ Misleading</i></b> (FRE 403)	Overruled.	38:8-10 39:10-12 39:22-40:21	39:22-40:21: Beyond the scope of initial designation; hearsay (FRE 802)		Overruled.
95:5-105:11	<b><i>Includes Attorney Objections</i></b> (FRE 611(a))	Sustain: 95:81; 96:3,13,19; 97:16-22; 98:1-8; 100:2; 101:11-22; 102:1-7, 16-22; 103:1-22; 104:1-3. Overruled as to remainder.	94:21-95:4			
118:16-118:18	<b><i>Lack of Foundation</i></b> (FRE 102-105); <b><i>Irrelevant</i></b> (FRE 402); <b><i>Prejudicial/Confusing/ Misleading</i></b> (FRE 403);	Overruled.	116:15-117:2			

	<b><i>Lack of Personal Knowledge</i></b> (FRE 602); <b><i>Hearsay</i></b> (FRE 802); <b><i>Authenticity</i></b> (FRE 901); <b><i>Includes Attorney Objections</i></b> (FRE 611(a))					
119:13-122:12	<b><i>Lack of Foundation</i></b> (FRE 102-105);	Sustain: 120:4,12; 121:11-22; 122:1-22; also delete 123:1. Overruled as to remainder.	122:13-18 122:20-123:1			
123:22-130:8	<b><i>Irrelevant</i></b> (FRE 402); <b><i>Prejudicial/Confusing/Misleading</i></b> (FRE 403); <b><i>Lack of Personal Knowledge</i></b> (FRE 602); <b><i>Hearsay</i></b> (FRE 802); <b><i>Authenticity</i></b> (FRE 901); <b><i>Includes Attorney Objections</i></b> (FRE 611(a))	Sustain: 123:1; 124:1-24; 125:1-130:8; Overruled as to remainder.				
131:12-140:14	<b><i>Irrelevant</i></b> (FRE 402); <b><i>Prejudicial/Confusing/Misleading</i></b> (FRE 403); <b><i>Hearsay</i></b> (FRE 802); <b><i>Includes Attorney Objections</i></b> (FRE 611(a))	Sustain: 132:7, 11-22; 133:1-3; 134:8, 22; 135:8; 136:2-5, 11-13, 20; 137:8, 13, 20; 138:9, 16-22; 139:1-3, 19; 140:6, 22. Overruled as to remainder.				
140:18-145:22	<b><i>Lack of Foundation</i></b> (FRE 102-105); <b><i>Irrelevant</i></b> (FRE 402); <b><i>Prejudicial/Confusing/Misleading</i></b> (FRE 403); <b><i>Lack of Personal Knowledge</i></b> (FRE 602); <b><i>Hearsay</i></b> (FRE 802); <b><i>Authenticity</i></b> (FRE 901); <b><i>Includes Attorney Objections</i></b> (FRE 611(a))	Sustain: 141:1, 19; 142:15, 22; 143:7,16,19; 144:3, 16-22; 145:1-22.				
146:6-146:10	<b><i>Lack of Foundation</i></b> (FRE 102-105); <b><i>Irrelevant</i></b> (FRE 402); <b><i>Prejudicial/Confusing/Misleading</i></b> (FRE 403); <b><i>Lack of Personal</i></b>	Sustain.				

	<b>Knowledge</b> (FRE 602); <b>Hearsay</b> (FRE 802)					
147:9-147:17	<b>Lack of Foundation</b> (FRE 102-105); <b>Irrelevant</b> (FRE 402); <b>Prejudicial/Confusing/Misleading</b> (FRE 403); <b>Lack of Personal Knowledge</b> (FRE 602); <b>Hearsay</b> (FRE 802)	Sustain.				
148:8-149:8	<b>Lack of Foundation</b> (FRE 102-105); <b>Irrelevant</b> (FRE 402); <b>Prejudicial/Confusing/Misleading</b> (FRE 403); <b>Lack of Personal Knowledge</b> (FRE 602); <b>Hearsay</b> (FRE 802); <b>Includes Attorney Objections</b> (FRE 611(a))	Sustain.				
149:18-150:6	<b>Lack of Foundation</b> (FRE 102-105); <b>Irrelevant</b> (FRE 402); <b>Prejudicial/Confusing/Misleading</b> (FRE 403); <b>Lack of Personal Knowledge</b> (FRE 602); <b>Hearsay</b> (FRE 802)	Overruled.				
150:10-155:9	<b>Lack of Foundation</b> (FRE 102-105); <b>Prejudicial/Confusing/Misleading</b> (FRE 403); <b>Lack of Personal Knowledge</b> (FRE 602); <b>Hearsay</b> (FRE 802); <b>Includes Attorney Objections</b> (FRE 611(a))	Sustain: 151:9-21; 152:16; 153:1, 7; 154:1, 4, 22; 155:1-9. Overruled as to remainder.				
155:13-164:1	<b>Includes Attorney Objections</b> (FRE 611(a))	Sustain: 156:419; 158:7 (after word “presentation”) to 11, 17; 159:6, 16; 160:1-10, 16; 161:2-22; 162:3,6; 163:4-13.				
Exhibit 5 (PTX 486)	<b>Lack of Foundation</b> (FRE 102-105); <b>Irrelevant</b> (FRE 402); <b>Prejudicial/Confusing/Misleading</b> (FRE 403); <b>Lack of Personal Knowledge</b> (FRE 602);	Overruled.				

	<b>Hearsay</b> (FRE 802); <b>Authenticity</b> (FRE 901)					
Exhibit 6 (PTX 240)	<b>Objection withdrawn</b>					
Exhibit 7 (PTX 241)	<b>Lack of Foundation</b> (FRE 102-105); <b>Irrelevant</b> (FRE 402); <b>Prejudicial/Confusing/Misleading</b> (FRE 403); <b>Lack of Personal Knowledge</b> (FRE 602); <b>Hearsay</b> (FRE 802); <b>Authenticity</b> (FRE 901)	Overruled.				
Exhibit 8 (PTX 242)	<b>Lack of Foundation</b> (FRE 102-105); <b>Irrelevant</b> (FRE 402); <b>Prejudicial/Confusing/Misleading</b> (FRE 403); <b>Lack of Personal Knowledge</b> (FRE 602); <b>Hearsay</b> (FRE 802); <b>Authenticity</b> (FRE 901)	Reserved.				
Exhibit 9 (PTX 243)	<b>Lack of Foundation</b> (FRE 102-105); <b>Prejudicial/Confusing/Misleading</b> (FRE 403); <b>Lack of Personal Knowledge</b> (FRE 602); <b>Hearsay</b> (FRE 802)	Overruled.				

Entered this 3rd day of May, 2018.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge